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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,088	03/22/2000	Miral Kim-E	03284-P0001B	8149
7590 11/04/2004				
Wesley W Whitmyer Jr St Onge Steward Johnston & Reens LLC 986 Bedford Street Stamford, CT 06905-5619		EXAMINER COLBERT, ELLA		
		ART UNIT 3624		PAPER NUMBER

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/533,088

Applicant(s)

KIM-E, MIRAL

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 9-32 and 38-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 33-37 and 54-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-58 are pending and subject to Election/Restriction Requirement. Group I, Claims 1-8, 33-37 and 54-58 were elected for examination in this communication filed 08/09/04. Applicant has reserved the right to file a divisional for Claims 9-32 and 38-53. Applicant's election of Group 1, claims 1-8, 33-37, and 54-58 in the reply filed 08/09/04 is acknowledged. Because Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP 818.03(a)).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 33-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,601,044) Wallman in view of (US 5,809,483) Broka et al, hereafter Broka.

As per Claim 1. Wallman teaches, A system for facilitating securities trading comprising: a computer (fig. 17 (171)); a customer rules database accessible by said computer (col. 39, lines 16-32 and fig. 17 (171) –PC and (158-database); a set of customer risk assessment rules stored on said customer rules database (col. 18, lines 30-43); software executing on said computer for receiving customer information from a customer, for retrieving said set of customer risk assessment rules from said customer rules database, and for assigning a customer risk rating to the customer based upon

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the received customer information and said set of customer risk assessment rules (col. 38, lines 42-61, col. 39, lines 16-32, col. 23, lines 44-65, fig. 1 (4-6), fig. 2, and fig. 3); a trade rules database accessible by said computer; and a set of trade risk assessment rules stored on said trade rules database (col. 14, line 49-col. 15, line 4, fig. 15 (157) and fig. 16 (169)). Wallman failed to teach, software executing on said computer for receiving trade details from a customer for a proposed trade, for retrieving said set of trade risk assessment rules from said trade rules database, and for assigning a trade risk rating to the proposed trade based upon the received trade details and said set of trade risk assessment rules and software executing on said computer for automatically approving the proposed trade if the customer risk rating and the trade risk rating bear a predetermined relationship to one another. Broka teaches, software executing on said computer for receiving trade details from a customer for a proposed trade, for retrieving said set of trade risk assessment rules from said trade rules database, and for assigning a trade risk rating to the proposed trade based upon the received trade details (col. 8, lines 20-46, col. 9, lines 17-23 and lines 46-67 and col. 10, lines 1-34) and said set of trade risk assessment rules and software executing on said computer for automatically approving the proposed trade if the customer risk rating and the trade risk rating bear a predetermined relationship to one another (col. 10, lines 42-57 and col. 11, line 25 –col. 12, line 37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have software executing on said computer for receiving trade details from a customer for a proposed trade, for retrieving said set of trade risk assessment rules from said trade rules database, and for assigning a trade risk rating to

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the proposed trade based upon the received trade details and said set of trade risk assessment rules and software executing on said computer for automatically approving the proposed trade if the customer risk rating and the trade risk rating bear a predetermined relationship to one another and to modify in Wallman because such a modification would allow Wallman to have a menu bar with a variety of functions where a user can select an item on the menu bar and the host accepting the trade with the FIPS software sending an acknowledgement for display of the transaction.

As per Claim 2. Wallman teaches, The system for facilitating securities trading of Claim 1 wherein the customer risk rating and the trade risk rating comprise numerical indications of associated risk (col. 25, line 55 –col. 26, line 64 and fig. 5).

As per Claim 3. Wallman teaches, The system for facilitating securities trading of Claim 2 wherein the predetermined relationship between the customer risk rating and the trade risk rating for receiving automatic approval of the proposed trade is that the customer risk rating be no greater than the trade risk rating (col. 26, line 46 –col. 27, line 62).

As per Claim 4. Wallman teaches, The system for facilitating securities trading of Claim 1 wherein the system determines the customer risk rating, and evaluates the relationship between the customer risk rating and the trade risk rating, for each party to the proposed trade (col. 26, lines 28-64).

As per Claim 5. Wallman teaches, The system for facilitating securities trading of Claim 1 further comprising: a customer risk rating database accessible by said computer; and software executing on said computer for storing the customer risk rating

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assigned to the customer on said customer risk rating database, and for retrieving the stored customer risk rating for the customer each time that customer attempts to participate in a trade, such that the customer risk rating for each customer must only be assigned once (col. 10, lines 42-46, col. 11, line 26-col. 12, line 58, fig. 1, fig. 14 (11), and fig. 17 (171) and associated columns and lines).

As per Claim 6. Wallman teaches, The system for facilitating securities trading of Claim 1 wherein the customer risk rating is indicative of the financial resources of and the investment experience of the customer (col. 6, lines 7-62).

As per Claim 7. Wallman teaches, The system for facilitating securities trading of Claim 1 wherein the trade risk rating is indicative of the underlying economic risks associated with an instrument which is the subject of the proposed trade (col. 11, lines 26-65, col. 23, line 62-67, col. 31, line 44 –col. 32, line 20).

As per Claim 8. Wallman teaches, The system for facilitating securities trading of Claim 1 further comprising software executing on said computer for automatically generating and transmitting to the customer a warning regarding the proposed trade if the customer risk rating and the trade risk rating do not bear a predetermined relationship to one another, and for automatically approving the proposed trade if an override indication is received from the customer (col. 31, lines 15-67).

As per Claim 33. This independent claim is rejected for the similar rationale as above for claim 1.

As per Claim 34. this dependent claim is rejected for the similar rationale as given above for claims 1 and 2.

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As per Claim 35. this dependent claim is rejected for the similar rationale as given above for claim 4.

As per Claim 36. this dependent claim is rejected for the similar rationale as given above for claim 5.

As per Claim 37. this dependent claim is rejected for the similar rationale as given above for claim 8.

As per Claim 54. Wallman further teaches, software executing on said computer for receiving trade details from a customer for a proposed trade and for automatically approving the proposed trade if the customer is below a risk threshold for the proposed trade (col. 25, lines 55-65, col. 29, lines 50-57, and col. 31, lines 62-65).

This independent claim is rejected for the similar rationale as given above for claims 1, 5, and 33.

As per Claim 55. this dependent claim is rejected for the similar rationale as given above for claim 4.

As per Claim 56. this dependent claim is rejected for the similar rationale as given above for claim 5.

As per Claim 57. this dependent claim is rejected for the similar rationale as given above for claim 6.

As per Claim 58. this dependent claim is rejected for the similar rationale as given above for claim 8.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Garman (US 6,122,623) disclosed controlling cashflows to enable an accurate determination of value at risk.

Makivic (US 6,061,662) disclosed a method for the pricing of financial instruments such as derivative securities.

Finrock et al (US 5,592,379) disclosed pooling and distributing bond dividends.

Nieboer et al (US 6,418,419) disclosed order transactions in securities.

Hackel et al (US 5,806,047) disclosed a combined pool portfolio.

### ***Inquiries***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert

November 1, 2004